

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-PBS

JOINT AND UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER

Defendant eBay Inc. (“eBay”) and Plaintiffs Ina Steiner, David Steiner, and Steiner Associates, LLC (“Plaintiffs,” and, together with eBay, the “Moving Parties”) respectfully move jointly and unopposed to modify the current Scheduling Order per the table of Proposed Scheduling Order Modifications below. As grounds for this motion, the Moving Parties state as follows:

1. On October 30, 2024, counsel for Plaintiffs proposed extending the remaining deadlines for dispositive motions. In requesting more time to oppose the motions for summary judgment, counsel for Plaintiffs cited the large volume of the summary judgment filings in this matter.

2. On November 1, 2024, having considered Plaintiffs’ proposal, counsel for eBay circulated a new proposal that would also extend deadlines for expert discovery. Extending the expert discovery deadlines would promote the just and efficient resolution of this matter because the parties’ expert materials are also very voluminous, and more time is needed to evaluate and respond to them.

3. On November 4, 2024, the Moving Parties further conferred and agreed to the following changes (the “Proposed Scheduling Order Modifications”):

| Deadline Description | Current Deadline | Proposed Deadline |
|--|-------------------------|---|
| Expert Discovery | | |
| Rebuttal expert reports | 11/7/24 | 11/21/24 |
| Completion of expert depositions and discovery | 12/13/24 | 12/20/24 |
| <i>Daubert</i> motions | 12/20/24 | 1/24/25 |
| Dispositive Motions | | |
| Oppositions to dispositive motions | 11/27/24 | 1/10/25 |
| Reply Memoranda | 12/17/24 | 2/14/25 |
| Sur-Reply Memoranda | 1/7/25 | 2/26/25 |
| Oral Argument | 2/13/25 | TBD by Court |
| Trial | | |
| Joint Pre-Trial Memorandum | 3/7/25 | Moving Parties propose a date 45 days after the motion for summary judgment rulings |
| Trial | TBD June | TBD |

4. On November 4, 2024, counsel for eBay circulated the Proposed Scheduling Order Modifications to counsel of record for all parties. Defendants Wenig, Zea, and Progressive F.O.R.C.E. Concepts, LLC, stated that they do not oppose this motion. Defendants Wymer, Jones, and Cooke stated that they take no position on this motion. As of this filing, no other parties responded.

WHEREFORE, the Moving Parties respectfully request that the Court enter the Proposed Scheduling Order Modifications.

Dated: November 5, 2024

Respectfully submitted,

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo (BBO #564879)
Kathryn L. Alessi (BBO #651110)
SIDLEY AUSTIN LLP
60 State Street, 36th Floor
Boston, MA 02109

Telephone: (617) 223-0300
Facsimile: (617) 223-0301
jpirozzolo@sidley.com
kalessi@sidley.com

Scott T. Nonaka (*pro hac vice*)
David A. Goldenberg (*pro hac vice*)
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 772-1285
snonaka@sidley.com
dgoldenberg@sidley.com

Daniel J. Feith (*pro hac vice*)
Lucas Croslow (*pro hac vice*)
Emily Rose (*pro hac vice*)
SIDLEY AUSTIN LLP
1501 K Street NW
Washington, D.C. 20005
Telephone: (202) 736-8511
dfeith@sidley.com
lcroslow@sidley.com
emily.rose@sidley.com

Counsel for eBay Inc.

/s/ Kenneth B. Fromson
Andrew G. Finkelstein
Brian D. Acard
Kenneth B. Fromson
Lawrence D. Lissauer
FINKELSTEIN & PARTNERS,
LLP
1279 Route 300
Newburgh, NY 12551
(845) 563-9459
afinkelstein@fbfglaw.com
bacard@lawampm.com
kfromson@lawampm.com
LLissauer@lawampm.com

Marc A. Diller
DILLER LAW, LLP
50 Congress Street
Ste 420

Boston, MA 02109
(617) 523-7771
marc@dillerlaw.com

Christopher R. Murphy
FOSTER, SCALLI & MURPHY, LLC
537 Broadway
Everett, MA 02149
(617) 387-7000
cmurphy@scallimurphy.com

Todd S. Garber
FINKELSTEIN, BLANKINSHIP, FREI-PEARSON &
GARBER, LLP
1 North Broadway, Suite 900
White Plains, NY 10601
(914) 298-3283
tgarber@fbfglaw.com

*Counsel for Ina Steiner, David Steiner and
Steiner Associates, LLC*

CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), I have conferred with all parties regarding this motion. Plaintiffs and eBay jointly file this motion. Defendants Wenig, Zea, and Progressive F.O.R.C.E. Concepts, LLC, stated that they do not oppose this motion. Defendants Wymer, Jones, and Cooke stated that they take no position on this motion. As of this filing, no other parties responded.

Dated: November 5, 2024

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2024, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: November 5, 2024

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo